

REMARKS

On page 4 of the Official Action, the Examiner objects to the term "forwardly" in claim 2 on the basis that the claim does not have any point of reference or origin in this respect.

However, lines 12 and 13 of claim 2 specify that the holder is mounted on a belt or waistband worn by a user. It is respectfully submitted that, in this context, a person skilled in the art with a mind willing to understand would clearly know what is meant by the phrase "with the open front end of the U-shaped horizontal base of the holder facing forwardly" as specified in lines 13 and 14 of the claim.


Nevertheless, in order to even more clearly define "forwardly", claim 2 has been amended to specify that the open front end of the U-shaped horizontal base of the holder faces forwardly in the direction in which the user walks when walking forwardly. There can thus now be no doubt whatsoever as to the meaning of the term "forwardly".

At the bottom of page 4 of the Official Action, the Examiner has presented a figure in an attempt to more clearly illustrate the use of the Viio device based on the teachings of Estabaya as set forth earlier in the official action. However, it is respectfully submitted that the Examiner's presentation is based on hindsight, namely reconstruction of the prior art with applicant's invention already in mind. There is no teaching or suggestion in Viio and/or Estabaya whatsoever of the arrangement illustrated by the Examiner at the bottom of page 4 of the official action.

In summary, it is respectfully submitted that claim 2 as amended sets forth structure which clearly reads over the prior art disclosed and taught by Viio and/or Estabaya.

Allowance of claim 2 as amended and dependent claim 3 are therefore requested. If the Examiner is not now prepared to allow this application, entry of this amendment for the purpose of appeal is also requested.

Respectfully submitted,



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